



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1998

Ms. Heather Silver  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-1394

Dear Ms. Silver:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 115642.

The Dallas Police Department (the "department"), which your office represents, received a request for the entire investigation file of all parties in the death of Robert Smith and the robbery of the requestor. In response to the request, you submit to this office for review a copy of the information which you assert is responsive. You state that department wishes to withhold the requested information, consisting of law enforcement records concerning juvenile conduct, pursuant to section 552.101 of the Government Code in conjunction with the former section 51.14 of the Family Code. We have considered the exception and arguments you have raised and reviewed the submitted information.

Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records.<sup>1</sup> Law enforcement records pertaining to conduct occurring before January 1, 1996 are governed by the former section 51.14(d), which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591 (Vernon). The documents at issue pertain to juvenile conduct that occurred before January 1, 1996. Therefore, section 51.14(d) is applicable to the documents. Section 51.14(d) provides in pertinent part:

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<sup>1</sup>We note that the Seventy-fourth Legislature repealed section 51.14 of the Family Code and replaced it with section 58.007 of the Family Code. We note also that the Seventy-fifth Legislature amended section 58.007 of the Family Code.

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [of a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

You assert that "[b]ecause the information at issue pertains to juvenile law enforcement records concerning conduct occurring prior to January 1, 1996, the requested information should be withheld in its entirety," pursuant to section 552.101. We agree. In this case, section 51.14(d) makes the requested documents confidential. Open Records Decision No. 181 (1977). Therefore, the department must withhold the information subject to section 51.14 of the Family Code from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/rho

Ref: ID# 115642

Enclosures: Submitted documents

cc: Mr. Becky Allison  
12536 Matisse Lane  
Dallas, Texas 75230  
(w/o enclosures)